

03/27/00  
jc695 U.S. PTO

3-28-007

A

Attorney's Docket No CARDIOBEAT-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEORGE MCBRIDE : Group Art Unit: Unknown  
ROBERT ROYCE :  
Serial No.: Not yet assigned : Examiner: Unknown

Filed: Herewith

Title: MEDICAL TESTING SYSTEM AND METHOD

jc511 U.S. PTO  
09/535186  
03/27/00  


Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of Inventor(s):

GEORGE MCBRIDE, ROBERT ROYCE

For:

MEDICAL TESTING SYSTEM AND METHOD

**1. Type of Application**

This new application is for a(n)

- Original (nonprovisional)
- Design
  - Plant
- Divisional
- Continuation
- Continuation-in-part (C-I-P)

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

- The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are added pages for new application transmittal where benefit of prior U.S. application(s) claimed.

**3. Papers Enclosed**

- A. Required for filing date under 37 CFR § 1.53(b) (Regular) or 37 CFR § 1.153 (Design) Application

30 Pages of specification, claims, and abstract

10 Sheets of drawing

- The enclosed drawing(s) are photograph(s), and there is also attached a ‘Petition to Accept Photograph(s) as Drawing(s).’  
37 CFR 1.84(b)  
 formal  
 informal

- B. Other Papers Enclosed

       Pages of declaration and power of attorney

       Other

**4. Additional papers enclosed**

- Amendment to claims  
 Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee.  
 Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- Preliminary Amendment  
 Information Disclosure Statement (37 CFR 1.98)  
 Form PTO-1449 (PTO/SB/08A and 08B)  
 Citations  
 Declaration of Biological Deposit  
 Submission of “Sequence Listing” computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.  
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative

- Special Comments  
 Other

**5. Declaration or oath (including power of attorney)**

- Enclosed  
Executed by  
 inventor(s).  
 legal representative of inventor(s). (37 CFR 1.42 or 1.43)  
 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.  
 This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- Not enclosed.  
 Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all* the above named inventor(s).

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- The same.  
 Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
 is submitted.  
 will be submitted.

**7. Language**

- English  
 Non-English  
 The attached translation includes a statement that the translation is accurate. 37 CFR 1.52(d).

**8. Assignment**

- An assignment of the invention to [ASSIGNEE]  
 is attached. A separate  
 "Cover Sheet for Assignment Document Accompanying New Patent Application" or  
 Form PTO 1595 is also attached.  
 will follow.

**9. Certified Copy**

Certified copy(ies) of application(s)

Country	Appn. No.	Filed
Country	Appn. No.	Filed
Country	Appn. No.	Filed

from which priority is claimed

- is (are) attached.  
 will follow.

## **10. Fee Calculation (37 CFR 1.16)**

#### A. Regular application

CLAIMS AS FILED					
	Number Filed	Number Extra		Rate	Basic fee 37 CFR 1.16(a) \$690.00
<b>Total Claims</b> (37 CFR 1.16(c))	20 - 20 =	0	x	\$18.00	\$00.00
<b>Independent Claims</b> (37 CFR 1.16(b))	1 - 3 =	0	x	\$78.00	\$0.00
<b>Multiple dependent Claim(s), if any</b> (37 CFR 1.16(d))	0		x	\$260.00	\$0.00

- Amendment canceling extra claims is enclosed.
  - Amendment deleting multiple-dependencies is enclosed.
  - Fee for extra claims is not being paid at this time.

## Filing Fee Calculation

B. [ ] Design application (\$330.00 - 37 CFR 1.16(f))  
Filing Fee Calculation \$

[ ] Plant application (\$540.00 - 37 CFR 1.16(g))  
Filing Fee Calculation \$

**11. Small Entity Statement(s)**

- Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

[ ] Status as a small entity was claimed in prior application [NUMBER] filed on [DATE], from which benefit is being claimed for this application under:  
35 U.S.C. [ ] 119(e),  
[ ] 120,  
[ ] 121,  
[ ] 365(c).

and which status as a small entity is still proper and desired.

A copy of the statement in the prior application is included.

**12. Request for International-Type Search (37 CFR 1.104(d))**

[ ] Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at this Time**

[ X] Not Enclosed  
[ ] No filing fee is to be paid at this time.

[ ] Enclosed

Filing fee \$345.00

[ ] Recording assignment (\$40.00; 37 CFR 1.21(h))  
(See attached "COVER SHEET FOR ASSIGNMENT  
ACCOMPANYING NEW APPLICATION".)

[ ] Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached  
(\$130.00; 37 CFR 1.47 and 1.17(i)) \$0.00

[ ] For processing an application with a specification in a non-English language (\$130.00; 37 CFR 1.52(d) and 1.17(k))

[ ] Processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(i)) \$0.00

Fee for international-type search report  
(\$40.00; 37 CFR 1.21(e))

Total fees enclosed \$00.00

**14. Method of Payment of Fees**

- Check in the amount of \$345.00  
 Charge Account No. in the amount of \$\_\_\_\_\_

A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No.:  
  
 37 CFR 1.16(a), (f) or (g) (filing fees)  
 37 CFR 1.16(b), (c) or (d) (presentation of extra claims)  
  
 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)  
 37 CFR 1.17(a)(1)-(5) (extension fees pursuant to 1.136(a))  
 37 CFR 1.17 (application processing fees)  
  
 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance pursuant to 37 CFR 1.311(b))

**16. Instructions as to Overpayment**

- Credit Account No.  
 Refund

**Incorporation by Reference of Added Pages**

- Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added: NONE

- Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

Plus Added Pages Deleting Name(s) of Inventor(s) Named in Prior Application(s) Who is/are No Longer Inventor(s) of the Subject Matter Claimed in this Application

Number of pages added \_\_\_\_\_

Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

**Statement Where no Further Pages Added**

This transmittal ends with this page.

Respectfully submitted,

DONALD J. LENKSZUS, P.C.

Dated: March 27, 2000

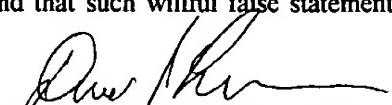
By:

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**CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10.**

I hereby certify that this document (and any as referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, mailing label No. EK391322567US on March 27, 2000 and addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Donald J. Lenkszus, Reg. No. 28,096